THE WEATHER YESTERDAY.

Local data for Nov. 8, 1900:
Highest temperature ..... 51 degrees
Lowest temperature ..... 45 degrees
Humidity:
8 a. m. ..... 93 per cent.
5 p. m. ..... 86 per cent.

PERSONAL.

Sheriff-elect Charles H. Schadt left for Philadelphia yesterday afternoon.

Miss Katherine Taggart, of Mulberry street, is visiting friends in Philadelphia.

Mrs. William Kelly entertained on Wednesday night in honor of her guest, Mrs. Fred Fowler, of Oxford, N. J.

Mrs. J. R. Cohen, of Madison avenue, is in Chicago. She was called there by the death of her uncle, S. Friend.

Dr. C. W. Wonder, of the Lackawanna hospital resident staff, has returned from his home in Philadelphia, where he, Tuesday, cast his ballot.

James Halpin, of Freeland, a young man with many friends in this city, has permanently located here. He is now employed by Frank O'Hara, the cigar dealer.

Edward Everett Chase, of this city, was on Wednesday night married to Miss Althea Jane Turnbull, of Baltimore, in Emanuel Protestant Episcopal church in the latter city.

Rev. M. J. Fleming and Rev. P. E. Lavelle, of this city; Rev. Walter Gorman, of Minooka, and Rev. Father Moffatt, of Taylor, who have been touring Europe, will arrive in New York this morning and will reach this city tonight.

VOTE FOR STATE SENATOR.

Cast in the Portion of Twenty-first District in the County.

Following is the vote cast Tuesday for the candidates in the portion of the Twenty-first senatorial district within the boundaries of Lackawanna county:

DISTRICTS.	Drury, R.	Staples, D.	Hawley, Pro.
Scott	105	63	10
South Abington, 1st dist.	82	11	9
South Abington, 2d dist.	100	32	21
Benton	139	127	9
Clarborn	91	9	..
West Abington	20	9	..
La Plume	34	10	8
Dalton	121	24	..
South Abington, 3d dist.	48	8	7
Waverly	56	32	15
Old Forge, 4th dist.	147	36	5
Old Forge, 2d dist.	4	3	..
Taylor, 4th ward	51	24	3
Taylor, 3d ward	82	65	5
Ransom, 1st dist.	18	15	..
North Abington	41	17	4
Newton	98	78	7
	1326	593	109

PROGRESSIVE EUCHRE PARTY.

Enjoyable Affair Conducted by the Daughters of Erin.

Division No. 3, Daughters of Erin, conducted a very successful and enjoyable progressive euchre party last night in Guernsey hall. Nearly one hundred were seated at the tables when play was begun. A delicious supper was afterwards served and dancing indulged in.

The committee in charge of the affair was composed of the following members: Misses Mary Lavelle, Annie Kaney, Jennie Weir, Mary Duffy, Jennie Clarke, Mary Dougher, Katie Convey, Julia Holland, Margaret Gerrity and Margaret Lally.

The celebrated Royal Hungarian orchestra will give a concert at the Coyne House tonight. **

RAN IN FRONT OF THE CAR.

Witnesses Tell at Length of the Fiorito Accident.

Nine witnesses were examined by Coroner Roberts in the inquest at the court house last night, in the death of James Fiorito, the little boy who was killed by a trolley car on North Main avenue, near Jones street, Sunday morning last.

These were Ernest T. Horton, the motorman; Roy D. Bunnell, the conductor; William Marshall, of 1425 Main avenue, who saw the accident from the front porch of his residence; Patrick Gallagher, of Theodore street, who was a passenger on the car; Jerry Walsh, aged seven; John Walsh, aged nine; Edward Savance, aged six; Raphael Vella, aged nine, who were at play with Fiorito when the accident occurred, and Thomas J. Mullen, the Scranton Railway company's master mechanic, who was called at the request of the jury to give an expert explanation of the construction of the fender and pilot board.

The stories of the eye-witnesses were practically the same. There were a number of boys playing about the street, it was made to appear, and one of their amusements was to run up to passersby with some gaily-pictured advertising dodgers which they found on the porch of a drug store. The Fiorito boy ran from the westerly to the easterly side of the street to toss one of the dodgers to a man who happened along, and then, turning quickly, he started to run back. He had taken only one step on the track when the car was upon him. From the curb to the first rail is about ten feet. The fender struck him on the right leg and threw him to the ground, with his head across the easterly rail. The fender passed over him, the pilot board rolled him along for a short distance and then allowing him to pass beneath, the wheels of the forward truck caught him and crushed out his life. The second wheel was resting on his neck when the car stopped.

The jury brought in a verdict to the effect that the death was due to accident, for which the motorman was in nowise blameable. M. E. Sanders, Frank Damen, T. J. Duffy, W. G. Daniels, Thomas J. Hughes and William E. Kline composed the jury. Major Everett Warren appeared in the interests of the trolley company.

DRIVER MANLEY'S THRILLING ESCAPE

The Carriage He Was Driving Struck by a Train and Thrown Down an Embankment—He Escaped Uninjured.

At the Lackawanna crossing near Taylor Eugene Manley, driver for Needham & McDonough, liverymen, met with an accident yesterday afternoon which nearly cost him his life.

He was driving a hack in a funeral procession which was returning from Pittston. When it arrived at the crossing a freight train was being switched into a siding. The conductor cut the train in two to let the procession through.

As the two ends of the parted train were very close together the view both up and down the second track was obscured. A second freight train was coming along on the other track, but Manley failed to hear it and started his horses across.

Just as he passed the parted train he saw the other train approaching and whipped his horses up. The animals themselves had barely cleared the track when the carriage was struck and tossed down a steep embankment, together with the horses and Manley.

All were piled in a promiscuous heap at the bottom when some of the train men came to the young driver's assistance. He was extricated from the ruins of the wagon with difficulty and was found to be practically uninjured, having merely sustained a number of severe body bruises. The horses were slightly hurt, but the carriage was smashed beyond repair.

THE DRUMMER EVANGELIST.

Rev. W. H. Williams Has Returned from Wyoming.

"The Drummer Evangelist," Rev. W. H. Williams, returned yesterday from Wyoming county, where he has been speaking nightly to very large congregations. Mr. Williams is now working at both ends of the line. When he left he told his detective he wanted Joe Poli, of Ash street, arrested for running a speakeasy, which was done. Poli was brought before Alderman Howe, fined, and promised not to sell again.

Mr. Williams speaks next Sabbath at 10.30 a. m. in the Baptist church, Tunkhannock. Subject, "Breaking Home Ties;" 3.45 p. m., Young Men's Christian association, Scranton, subject, "The Young Man and His Company;" 6 p. m., First Welsh Congregational church, Hyde Park, subject, "The Last Romp With the Tiger;" 7.30 p. m., Christian church, Dunmore, subject, "The Last Romp With the Tiger." He leaves today for Berwick.

McANDREW INQUEST.

Coroner's Jury Finds That He Was Killed by a North-Bound Train.

Coroner Roberts conducted an inquest Wednesday at Carbondale in the case of Thomas McAndrew, who was killed on the Delaware and Hudson railroad. The following verdict was rendered:

"We, the jurors, find that said Thomas McAndrew came to his death at an early hour on Sunday, November 4, by being run over by cars on the Delaware and Hudson railroad. From the evidence before us we find that he was killed by a north-bound train, between the Ridge and Lookout, in the city of Carbondale."

Notice—Musicians.

Local No. 120, Musicians' Protective association, will hold their last open meeting Sunday afternoon, November 11, 3 o'clock sharp, at 502 Cedar avenue. All instrumental musicians not having enrolled their names can do so before closing charter. **

The celebrated Royal Hungarian orchestra will give a concert at the Coyne House tonight. **

FEE SYSTEM MAY HOLD OVER

MATTER COUNTY OFFICERS ARE INTERESTED IN.

Constitution Says No Officer's Salary Can Be Changed "After His Election"—Supreme Court Has Held a Change Cannot Be Made in a Man's Term, and the opinion May Be Construed to Mean "After His Election"—Population of County to Be Announced Before Jan. 1.

Will the newly elected county officers be paid a salary or will they receive fees as heretofore after the population of the county is officially announced by the census department in Washington?

This is a question which is being much discussed these days among the new officials themselves, among the lawyers and among the taxpayers in general. One thing is certain. The population of the county will be nearer 200,000 than 150,000 and perhaps beyond the former figure.

Now, the constitution provides that in counties having a population of over 150,000 the fee system shall be abolished and that each officer shall receive a certain salary to be fixed by law. The constitution also contains a clause which reads as follows:

"No law shall extend the term of any public officer or increase or diminish his salary or emoluments, after his election or appointment."

It will be noted that the above section says plainly "after his election or appointment." Local lawyers disagree in their interpretation of this section. Some contend that inasmuch as the census returns showing the county to have a population of over 150,000 were not made public before the election that the fee system cannot be abolished for three years and that the officials elected Tuesday cannot legally be put upon a salaried basis.

OTHER CONTENTION.

Others contend that if the official announcement of the population is made before January 1, or before the officials assume office that the salary system will immediately go into effect. They look at the spirit rather than the letter of the law, and say that while the constitution reads "after his election" that what is meant is "after he takes or assumes office."

There are still others who contend that if the official announcement is made after January 1, or after the officers have taken up the duties of their office that immediately upon its being made the salary system will go into effect. Those who maintain this point have not much upon which to base their arguments inasmuch as the Supreme court of the state has already decided that if the census announcement is made after an officer assumes office, he cannot be put upon a salaried basis.

The case in which this opinion was handed down was in that of Guldin vs. Schuylkill county, 1892. B. C. Guldin was elected coroner of Schuylkill county on Nov. 4, 1889, and his term of office began in January, 1890. In January, 1891, the 1890 census returns showed that Schuylkill county had a population of 154,163 as against 129,974 in 1880.

THE GULDIN SUIT.

Guldin tried to collect his fees for the month of January, amounting to some $287, but was unable to do so as coroners in counties of over 150,000 are paid $500 a year. He accordingly brought an action in assumpsit but the lower court decided against him entering judgment in favor of the defendant county. He immediately appealed the case to the Supreme court and it was argued in February, 1892.

The defendant county admitted the correctness of the plaintiff's claims of $287, but contended that he was affected by the provisions of the act of 1876 fixing the salary of coroner at $500 per year. The plaintiff contended that the act did not apply to him inasmuch as his emoluments would thus be diminished in violation of Sect. 13, Art. III. of the constitution prohibiting any increase or decrease of the salary of any officer after his election.

The opinion in the case was written by Judge Heydrick. He pointed out that the population of the county by the census of 1880 was 129,974 and that this must be deemed to be the population at the time of Guldin's election.

The judge pointed out that at the time of his election, therefore, the salary act of 1876 had no application to him or to the office he was running for. "To give it an application," says the opinion, "after part of his term of office had expired would be to take away from him the fees authorized by law when he accepted the office, that is to say it would diminish his emoluments by law after his election and the result would be precisely the same as if the law were passed after his election, and would therefore be a violation of the prohibition directed against any change of salaries or emoluments in office after his election.

MATTER OF JUSTICE.

"A sense of the manifest justice, on the one hand, of continuing to an officer the compensation prescribed by law at the time of his acceptance of office, and, on the other hand, of holding him to the performance of his official duties for what, in an equitable sense, might be regarded as an agreed consideration, as well as of the inconvenience of a transition from the fee system to that of salary in the middle of a term and year may well have had an influence in moulding this section" (Sect. 13, Art. III).

The opinion terminates with an order reversing the decision of the lower court and entering judgment in favor of the plaintiff Guldin for the full amount.

It will be noted that in this case the census figures were not announced until 1891 or until a year after Guldin's induction into office. It is believed, in fact, it has been announced, that they will be given out this year on or about December 1, so that a new point will thus be raised.

Judge Heydrick, in several places, refers to the increase or reduction of an officer's emoluments after his election as opposed to the idea that this section of the consitution refers to the time after an officer is sworn in. While he does not attempt to interpret Section 13, Art. III., nevertheless, it is easy to see, upon reading his opinion, that he was firmly convinced at the time it was written that an officer's emoluments could not be changed after the actual date of his election.

WORK OF COUNTING TUESDAY'S BALLOTS

It Was Taken Up by the Court Yesterday—Must Be Completed by Saturday at Midnight.

It will give the court all it can do to comply with the law requiring that the returns for presidential electors shall be tabulated and counted before 12 o'clock of the Saturday night following election. Only twenty-one of the 135 districts had been handled at 5 o'clock yesterday, after the tabulators had been at work three and one-half hours. At this rate it will be necessary to work 26 out of the 46 hours to complete the count in time.

In 1892 the count was not complete until 11:45 p. m. Saturday and but for the work of Andrew Healey, whose ability in the way of rapid calculating is truly marvelous, it would have been long after midnight before the totals could be certified. His services may be in demand again to-morrow.

The sheet on which the returns are entered is fifteen feet long by eight feet wide and contain about 50,000 sets of figures.

The count began at 1:45 o'clock yesterday afternoon and continued until 5 o'clock when a recess was taken till 7 o'clock. Two hours were put in last night and it is very likely sessions will be had to-night and to-morrow night in addition to the morning and afternoon sessions.

Judge H. M. Edwards is presiding over the count. The clerks appointed to do the work are all members of the bar and are as follows:

Recording Clerks—George L. Peck, Walter L. Bevan, F. C. Hanyon, Richard J. Bourke.
Reading Clerks—J. Elliot Ross, H. H. Harris.
File Clerks—John B. Jordan, C. H. Soper, William N. Leach.

When they adjourned last night they had reached Fell township. The count will be resumed at 8 o'clock this morning. No discrepancies of any moment were discovered, except that in the Third ward of Blakely the sealed returns showed that Mr. Conry received only 41 votes and not 141, as he was credited by the open returns.

A number of attorneys are present, scanning the returns and watching for discrepancies between the open and sealed tally sheets.

Attorneys Charles E. Olver and Ezra Connell are representing Congressman Connell. Attorney R. J. Murray is figuring for Judge Kelly, Sheriff-elect Schadt and Register of Wills Koch. Assistant Secretary George W. Marshall, of the Republican county committee, is looking after the legislative districts for the Republicans, and Hon. P. E. Timlin and Attorney John H. Bonner are present in their own interest. Attorney M. W. Lowry is representing Prothonotary John Copeland.

GIRL'S INJURIES RESULTED IN DEATH

Frieda Herbst Died Yesterday at the Lackawanna Hospital—She Was Run Over on the D. and H.

Frieda Herbst, the 14-year-old daughter of Mrs. Frieda Herbst of 1018 Moltke avenue, died at 7:30 o'clock yesterday morning at the Lackawanna hospital of the injuries received Wednesday noon at the Delaware and Hudson railroad crossing, near the Saquoit silk mill, where she was run over by the 12:05 passenger train.

The little girl was crushed under the car wheels and one of her legs was so terribly mangled that the limb was amputated at the Lackawanna hospital. She was brought into the institution about 1 o'clock Wednesday afternoon, in an unconscious state, and never regained consciousness. Coroner Roberts performed an autopsy yesterday morning and found a frature at the base of the girl's skull. He has not yet decided whether or not to hold an inquest.

The crossing at which the child was killed is a dangerous one, five persons having met death there within the last two or three years. On account of a switch directly in the middle of the street, it is impossible to see up the track either way when freight cars are on it. The residents of this section have sent several petitions to the councils to have this matter remedied, one petition having 1,500 names attached.

The Women's Guild, St. Luke's Church.
will hold a fair in the Parish House Dec. 6 and 7. Fancy and useful articles, dolls, home-made cake and candy will be for sale. **

KIND WORDS FROM MANY

CONGRESSMAN CONNELL WAS WARMLY CONGRATULATED.

Was Kept Busy Yesterday Receiving in Person or by Letter and Telegram, the Expressions of Satisfaction Over His victory That Came from Friends Far and Near. Mayor Moir Indicted a Strong Congratulatory and Commendatory Epistle.

Congressman William Connell was kept busy at his office yesterday receiving and acknowledging the congratulations of friends, which came by letter and telegram from far and near and by the hundreds in person. Some of them are herewith reproduced:

Scranton, Pa., Nov. 7, 1900.

Hon. William Connell.

Dear Sir: Permit me to congratulate you on your election; a noble victory well deserved. That your health may be fully restored to enable you to discharge your public duties to your constituents and the republic with the same eminent satisfaction as you have in the past is the earnest prayer of

Yours most respectfully,
James Moir.

Scranton Nov. 7, 1900.

Dear Mr. Connell.

I congratulate you most sincerely on what looks like a large majority for your successor, William Connell, M. C. I hope your life and health may be spared to be governor and senator. I do not pretend to be a prophet, but you may remember what I told you five years ago.

Sincerely yours,
A. W. Dickson.

Scranton, Pa., Nov. 7, 1900.

Hon. William Connell, City.

Dear Sir: I desire to extend to you my most hearty and sincere congratulations over your splendid victory over Democracy and Spencer combined.

As The Tribune this morning well expresses it, Spencer "also ran." I am glad to say that he did not receive a solitary vote in my district, the First of the Second ward.

We can congratulate ourselves upon having a capable, influential and efficient congressman for the ensuing term. Very truly yours,
A. A. Vosburg.

Washington, D. C., Nov. 7.

Hon. William Connell, Clay avenue.

Hearty congratulations upon your signal and well deserved triumph. John Ball Osborne.

903 St. Paul Street,
Baltimore, Md., Nov. 7, 1900.

My Dear Brother Connell.

I write to congratulate you on your re-election. The report reached me a little while ago that owing to the strike you probably would not make it. I am glad to hear the report was groundless. Hope you are well.

Yours very truly,
(Rev.) J. E. Smith.

Scranton, Pa., Nov. 7, 1900.

Hon. William Connell, Scranton, Pa.

Dear Sir: With pleasure and joy I hear about your re-election. Believe me, sir, that together with me nearly all Polish citizens are glad that this happened. I wish I could congratulate you in 1902 after your election for governor of our state. Very respectfully,
S. A. Dangel.
Editor "Straz."

City, Nov. 7, 1900.

Hon. William Connell, City.

Sir: I take the pleasure to express my sincerest congratulations for your triumphant success and that of the entire Republican party. I have the honor to be, sir,

Your obedient servant,
Joseph Aliberti.

Dunmore, Pa., Nov. 7, 1900.

Hon. William Connell.

My Dear Sir: Please accept my sincere congratulations. I am glad you are elected.

Yours very truly,
George B. Smith.

Scranton, Pa., Nov. 7, 1900.

My Dear Mr. Connell.

Allow me to congratulate you on your triumphant re-election. Under the adverse condition of things hereabouts, I regard it as a very great victory, and a personal tribute to yourself. I am, Very sincerely yours,
Everett Warren.

Scranton, Nov. 7, 1900.

Hon. William Connell, Scranton, Pa.

My Dear Mr. Connell: My earnest congratulations upon your election. I am mighty well pleased with the result; particularly in view of the fact that an unfair fight was made against you through a "stump" candidacy.

Yours sincerely,
Thomas H. Dale.

Former Supreme Court Justice Alfred Hand telegraphed congratulations from Philadelphia; L. C. Holden, from New York; C. H. Pond, from Flint, Mich., and C. M. Sanderson, from Madison, N. J.

Other telegrams came from A. Fulton, of Shamokin; J. T. Devine, manager of the Shoreham, Washington, D. C., and James E. Roderick, chief of the bureau of mines, Harrisburg.

Congratulatory letters were received from A. A. Dinsmore, of Philadelphia; Postmaster Charles Emory Smith, of Philadelphia; Congressman Littlefield, of Maine, through A. D. Blackington; Evan M. Evans, of Philadelphia; E. M. Zehnder, president of the Scranton Bolt and Nut company; Senator-elect William Drury, of Pittson; J. H. Schnerr, of Winton; H. A. Wilman, of Jermyn; Frederick Hartnoll, of Dunmore, and many others.

Mr. Connell desires The Tribune to bespeak for him his heartiest appreciation of the congratulatory and well-wishing messages, and to say that he has set about the pleasant task of acknowledging them individually.

Prof. Fisher, the undisputed champion cake walker, and who recently defeated Harry Williams and wife, champions of New York, is giving private instructions. Address 433 Spruce street. **